



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

WR-80,402-02

EX PARTE PAUL GILBERT DEVOE

ON APPLICATION FOR WRIT OF HABEAS CORPUS
CAUSE NO. D-1-DC-07-302093-A IN THE 403RD DISTRICT COURT
TRAVIS COUNTY

Per curiam. ALCALA, J., dissents.

ORDER

This is a subsequent application for writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 5.

On October 2, 2009, Applicant was convicted of the offense of capital murder. *See* TEX. PENAL CODE ANN. § 19.03. The jury answered the special issues submitted under Texas Code of Criminal Procedure Article 37.071, and the trial court, accordingly, set punishment at death. This Court affirmed Applicant's conviction and sentence on direct appeal, *Devoe*

v. State, 354 S.W.3d 457 (Tex. Crim. App. 2011), and denied Applicant's initial post-conviction application for writ of habeas corpus, *see* TEX. CODE CRIM. PROC. ANN. Art. 11.071. Applicant's instant post-conviction application for writ of habeas corpus was received in this Court on November 5, 2015.

Applicant presents three allegations in the instant application. We have reviewed the application and find that Applicant has failed to satisfy the requirements of Article 11.071, § 5(a). Accordingly, we dismiss the application as an abuse of the writ without considering the merits of the claims.

IT IS SO ORDERED THIS THE 13TH DAY OF JANUARY, 2016.

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